

**FIRST AMENDMENT TO
BEACH EQUIPMENT CONCESSION AGREEMENT**

THIS FIRST AMENDMENT TO BEACH EQUIPMENT CONCESSION AGREEMENT ("First Amendment") is hereby entered into by and between the **CITY OF MADEIRA BEACH**, a Florida municipal corporation, hereinafter referred to as "City," and **SALTWATER DESTINATION, LLC**, a Florida limited liability company, hereinafter referred to as "Concessionaire."

RECITALS

WHEREAS, CITY and CONCESSIONAIRE entered into that certain Beach Equipment Concession Agreement, hereinafter referred to as "Agreement," dated October 22, 2019; and

WHEREAS, CITY and CONCESSIONAIRE wish to modify the Agreement to limit the rental of beach equipment to the Archibald Memorial Beach Park location only (thereby deleting Exhibit B to the Agreement) and to modify the amount of Concession Fees payable to the CITY.

NOW THEREFORE, in consideration of the mutual terms, covenants and conditions contained herein, the parties mutually agree that:

1. The sixth WHEREAS clause of the Agreement is amended to delete the words "and locations detailed in exhibit B."
2. The NOW, THEREFORE, clause of the Agreement is amended to delete the words "and other locations listed in Exhibit B" at the end thereof.
3. Paragraph 1b. of the Agreement is amended to delete the words "as well as the locations listed in Exhibit B" at the end of the first sentence thereof.
4. Paragraph 1d. of the Agreement is hereby deleted.

5. Paragraph 2 of the Agreement is amended to delete the words "and the locations listed in Exhibit B" at the end of the second sentence thereof.
6. Paragraph 5 of the Agreement is amended to read as follows:
 - 5) **Concession Fees:** A Fixed Concession Fee in the amount of Twelve Thousand (\$12,000.00) per annum shall be due from CONCESSIONAIRE to CITY beginning April 30, 2021. The Fixed Concession Fee shall be paid annually by April 30th.
7. Paragraph 6 of the Agreement is amended to delete all locations other than Archibald Memorial Beach Park and rental information relating thereto.
8. Except as expressly set forth herein, all of the terms, covenants and conditions of the Agreement are hereby ratified and confirmed by CITY and CONCESSIONAIRE, and each, by the execution of this Amendment, hereby signifies their intent to be bound thereby.


IN WITNESS WHEREOF the Parties hereto have executed this Amendment on the day and year set forth next to their signatures below.

CITY OF MADEIRA BEACH
a Florida municipal corporation

By: 
Robert Daniels, City Manager

Dated: 4/28/2021

ATTEST:


Clara VanBlargan, City Clerk

SALTWATER DESTINATION, LLC
a Florida limited liability company

By: 
Tyler J. Morris, Manager

Dated: 5/5/21